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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,554	08/22/2003	Alexander K. Schowtka	03-008CIP	9444

37420 7590 08/01/2006

VISTA PRINT USA INC.
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LEXINGTON, MA 02421

EXAMINER

LAY, MICHELLE K

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,554

Applicant(s)

SCHOWTKA, ALEXANDER K.

Examiner

Michelle K. Lay

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 9, 10, 12, 14-29 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 12, 14-16, 19-29 and 35-38 is/are allowed.
- 6) ☒ Claim(s) 5-7, 17, 18, 33, 34 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 05/24/2006 has been entered and made of record. Claims 1-4, 8, 11, 13, and 30-32 have been cancelled. Claims 5-7, 9, 10, 12, 14-29, and 33-39 are pending.

Response to Arguments

Applicant's arguments filed 05/24/2006 have been fully considered but they are not persuasive. Applicant argues Breen fails to teach or suggest *a cropped image is created only if a cropped version can be created that meets all of the three listed conditions, including the condition of "filling the image container"*. Examiner respectfully disagrees. Breen teaches the image is delivered with the image in the style sheet (i.e. available space for this image in the layout for the page (said ***image container***) [0044]. The adaptation apparatus determines the maximum available space for the optimized image [step 74 of Fig. 2]. Thus, the system/method of Breen determines if the optimal cropping area does or does not exist [0045-0047]. The adaptation process crops the image as little as possible (as close to the maximum image area as possible) [0048]. Therefore implicitly, the system/method of Breen fills the image container, i.e. fills the available space for the image in the layout for the page by cropping as little as possible to fit within the maximum image area.

Allowable Subject Matter

Claims 9, 10, 12, 14-16, 19-29, 35-38 are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **17, 5-7, 18, 33, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen (2004/0117735 A1).

Breen teaches the limitations of claims **17** and **18** with the exception of explicitly teaching the cropped version include as much of the image as possible. However, in regards to claim **17**, Breen teaches a method and system for generating presentation context having text and/or images. The presentation context (22) of Fig. 1 is the context in which the media content is transformed into a presentation page, which includes page layout style [0032]. The user first requests an image (said ***selecting an image***). This image is then delivered with the image in the style sheet (i.e. available space for this image in the layout for the page (said ***image container***) [0044]. Referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. The maximum cropping area (42) (said ***minimum image area***) is the smallest image that the graphical designer (said ***image preparer***) elects to be illustrated. The maximum cropping area (42) is protected; therefore the image within the maximum cropping area (42) cannot be

cropped. This information is stored within the media content metadata profile (26) (said **retained information**) [0037]. From the flowchart illustrated in Fig. 3, step 62 transforms the original image file according to the desired parameters, resulting in a cropped image according to the metadata profile provided (**performing cropping operation**) [0043]. Furthermore, the adaptation apparatus determines the necessary cropping. The adaptation apparatus determines if the necessary cropping area at step (78) (said **step (a)**). The adaptation process crops the image as little as possible (as close to the maximum image area as possible) (said **step (b)**, i.e. fills the available space for the image in the layout for the page by cropping as little as possible to fit within the maximum image area). However, if a limitation is exceeded, e.g., if the allowable image size exceeds the size of the maximum cropping area, the content negotiations fail and exception occurs which can result in a text message being displayed, an alternated image being displayed, an error being displayed, etc. (said **step (c)**) [0048]. Additionally, the user can the graphical designer set the minimum view size. The graphical designer can select the minimum detail level for the image border area (36), the maximum image area (38), the optimum cropping area (40), and the maximum cropping area (42), as well as their alternatives. The minimum view size is determined by adjusting the image display size on the screen and determining what the smallest size that an image can be displayed, e.g., based on scaling. The minimum view size is based on screen size and screen resolution (said **step (b)**) [0041].

In regards to claim **18**, although not explicitly taught by Breen, it would have been obvious to one of ordinary skill in the art for the cropped version to include as much of the image as possible since the cropped version must include at least the maximum cropping area (42) (said *minimum image area*). Since the graphical designer elects such an area, it would have been obvious that the graphical designer opts to preserve the most important features of the image since the maximum cropping area (42) is protected and therefore the image within the maximum cropping area (42) cannot be cropped [0037].

In regards to claim **5**, Breen does not explicitly teach centering the minimum image area however; the maximum cropping area (42) (said *minimum image area*) is the smallest image that the graphical designer elects to be illustrated. The maximum cropping area (42) is protected; therefore the image within the maximum cropping area (42) cannot be cropped [0037]. Therefore it would have been obvious to one of ordinary skill in the art that the maximum cropping area (42) would contain the most valuable image information since this area is protected and thus, be the center of the cropped image.

In regards to claim **6**, the graphical designer selects the various cropping areas shown in Fig. 2. Therefore, it would have been obvious to one of ordinary skill in the art for the graphical designer to define the cropped area to their desire, i.e. crop the image so that the maximum cropping area (41) (said *minimum image area*) is in the same relative

position as it is in the original. The graphical designer may want to do so in order to provide aesthetic appeal.

In regards to claim 7, referring to Fig. 2 of Breen, the graphical designer (said *image preparer*) can select an image border area (36), a maximum image area (38), an optimum cropping area (40), and a maximum cropping area (42). This information is stored within the media content metadata profile (26) (said *retained information*) [0037]. From the flowchart illustrated in Fig. 3, step 62 transforms the original image file according to the desired parameters, resulting in a cropped image according to the metadata profile provided (*performing cropping operation*) [0043]. Thus, by defining and selecting the different areas, the borders redefine the image, i.e., *resize* prior to the cropping operation, i.e., step 62.

In regards to claim 33, the method and system of Breen is capable of printing on paper the presentation pages [0030].

In regards to claim 39, claim 39 recites similar limitations as claim 17 and thus, is rejected with the same basis and rationale as claim 17. Furthermore, the method and system of Breen includes a computer program product stored on at least one computer-readable medium implementing the method of Breen [0051].

2. Claim **34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen (2004/0117735 A1) in view of Sparks et al. (6,167,382).

Breen teaches the limitations of claim **34** with the exception of disclosing associating a keyword with the image. However, Sparks teaches a product that allows a user to compose a marketing piece that comprises text and images.

Referring to Fig. 5 of Sparks, the search request page (92) shows three ways to search for images: by keyword (98), by category ('00) or by icon (102) [col. 5, line 65 – col. 6, line 10].

Therefore, it would have been obvious to one of ordinary skill in the art to include an associated keyword within the media content metadata profile (26) of the image of Breen in order to search for an image to provide a quick and efficient way of searching the database for a desired image.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Friday 7:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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07.26.2006 mkl

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